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EXAMINER

LEE, RICHARD J

ART UNIT PAPER NUMBER

2613

DATE MAILED: 05/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**08/800,574**

Applicant(s)  
**Riffie**

Examiner  
**Richard Lee**

Art Unit  
**2613**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Mar 5, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

Art Unit: 2613

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, and 9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuzma of record (5,389,965) in view of Yurt et al of record (6,002,720) and Paneth et al of record (5,119,375) for the same reasons as set forth in paragraph (4) of the last Office Action (see Paper no. 18).

3. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kuzma, Yurt et al, and Paneth et al as applied to claims 1-6 and 9-18 in the above paragraph (2), and further in view of Schillaci et al of record (5,583,912) for the same reasons as set forth in paragraph (5) of the last Office Action (see Paper no. 18).

4. Claims 19, 20, and 23-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuzma in view of Peters of record (5,577,190) and Rostoker et al of record (5,784,572).

Kuzma discloses substantially the same narrowband video codec for transmitting and receiving compressed video and audio data signals as claimed in claims 19, 20, and 23-30, comprising a first digital signal processor for converting analog video signals into digital video signals and for compressing the digital video signals into video bytes (i.e., within 500 of Figure 2 and see column 5, lines 1-42); a second digital signal processor for decompressing received digital video bytes into digital video signals and for converting the decompressed digital video signals

Art Unit: 2613

into analog video signals (i.e., within 500 of Figure 2 and see columns 5, lines 1-42); a third digital signal processor for converting analog audio signals into digital audio signals, for compressing the digital audio signals into audio bytes, for decompressing received audio bytes into digital audio signals, and for converting the decompressed digital audio signals into analog audio signals (i.e., 185 of Figure 2 and see columns 5, lines 1-23); means for periodically refreshing the transmitted video signals in thirty seconds (see Figure 2 of Kuzma); means for running multiple compression and decompression algorithms on all three digital signal processors (see columns 5-7 of Kuzma); means for randomizing data in order to maximize the efficiency of data transmission and means for de-randomizing data without introducing additional bit errors (see column 6, lines 9-37 of Kuzma); and means for selecting one of a plurality of video resolution and clarity modes wherein the video resolution modes include a low and high resolution mode and the video clarity modes include a low, intermediate, and high clarity mode (see column 6 of Kuzma).

Kuzma does not particularly disclose, though, the followings

(a) a solid state memory and means for emulating a disk access system of a computer using solid state memory components to store filed sequences with compression/decompression algorithm data as claimed in claims 19 and 29;

(b) transmitting and receiving compressed video and audio data signals over a rf link as claimed in claims 19 and 29; and

Art Unit: 2613

(c) a memory for storing a program connected to at least the third digital signal processor, the memory comprising at least two audio conversion programs for converting audio at first and second respective rates, and means for automatically selecting one of the audio conversion programs in accordance with the data rate of the rf link as claimed in claims 29 and 30.

Regarding (a), Peters discloses a media editing system with adjustable source material compression as shown in Figure 1 and 9, and teaches the conventional use of a solid state memory and means for emulating a disk access system of a computer using solid state memory components to store filed sequences with compression/decompression algorithm data (see Figures 8 and 9, and columns 14-15). Therefore, it would have been obvious to one of ordinary skill in the art, having the Kuzma and Peters references in front of him/her and the general knowledge of memory storage means within video encoders/decoders, would have had no difficulty in providing the solid state memory and disk access system as shown in Peters for the video telephone system of Kuzma for the same well known storage purposes as claimed.

Regarding (b) and (c), Rostoker et al discloses a method and apparatus for compressing video and voice signals according to different standards as shown in Figure 1, and teaches the conventional RF transmission/reception of video and audio data (see Abstract, column 1, column 3, lines 50-58) and a memory (i.e., ROM 30 of Figure 1, and see column 3, line 15 to column 4, line 36) for storing a program connected to at least the audio digital signal processor, the memory comprising at least two audio conversion programs for converting audio at first and second respective rates. In addition, though Rostoker et al teaches the manual selection of audio rates in

Art Unit: 2613

accordance with the data rate of the rf link (see column 3, lines 37-58, column 4, lines 1-12), it is not invention to provide the automatic selection of one of the audio conversion programs as claimed (see *In re Venner*, 20 USPQ 192 (CCPA 1958)). Therefore, it would have been obvious to one of ordinary skill in the art, having the Kuzma and Rostoker et al references in front of him/her and the general knowledge of RF transmissions, would have had no difficulty in providing the RF transmission/reception of video data, the synchronization of frames for transmission over the rf link, a memory for storing a program connected to at least the audio digital signal processor, the memory comprising at least two audio conversion programs for converting audio at first and second respective rates, and means for automatically selecting one of the audio conversion programs in accordance with the data rate of the rf link as taught by Rostoker et al for the video telephone system of Kuzma for the same well known transmission purposes as claimed.

5. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kuzma, Peters, and Rostoker et al as applied to claims 19, 20, and 23-30 in the above paragraph (4), and further in view of Schillaci et al of record (5,583,912).

The combination of Kuzma, Peters, and Rostoker et al disclose substantially the same narrowband video codec for transmitting and receiving compressed video and audio data signals as above, but does not particularly disclose a battery power supply with power supply voltage between 18 and 36 volts as claimed in claims 21 and 22. However, Schillaci et al discloses a wireless wireline communication selection mechanism resident in craftsperson's portable test and communications device as shown in Figures 1 and 2, and teaches the conventional use of a battery

Art Unit: 2613

power supply for the communications system (see column 2 and Figure 2). Therefore, it would have been obvious to one of ordinary skill in the art, having the Kuzma, Peters, Rostoker et al, and Schillaci et al references in front of him/her, would have had no difficulty in providing the battery power supply as taught by Schillaci et al with any desired power supply voltage including between the 18-36 volts as claimed for the video telephone system of Kuzma for the same well known purposes as claimed.

6. Regarding the applicant's arguments at pages 4-5 of the amendment filed March 5, 2002 concerning in general that "... To the contrary, Yurt et al, sequentially lumps together a plurality of audio bytes into audio frames wherein the audio bytes are not separated from each other by a video byte. The bytes within each frame are of the same data type. The bytes within each frame are not separated from each other by a different type of data byte ... The frames are not bytes of data. Rather, each frame contains a plurality of bytes or samples of the same data type and which are not separated from each other by a byte having a different data type ... Bytes within a frame are not separated from each other by one or more bytes of a different type. There are no video bytes between sequential audio bytes ... In contrast, the present invention provides a set of sequential bytes, each set having at least one audio byte with at least one video byte between each sequential audio byte ...", the Examiner wants to point out that though Yurt et al may teach various features, it is still nevertheless that Yurt et al anticipates the claimed invention for the following reasons. At column 7, lines 60-63, Yurt et al teaches that a series of digital data bytes represent frames of video data and samples of the audio data, and wherein each video frame (i.e.,

Art Unit: 2613

V of Figure 8d) and each audio frame (i.e., A of Figure 8d) comprises a plurality of bytes, respectively. And contrary to the applicant's statement, it is clearly shown in Figure 8d that the bytes within each frame are separated from each other by a different type of data byte. As such it is submitted again that the framing of audio and video data as shown in Figure 8d based on the realignment of audio and video data and user addressing of the data provides the same plurality of video bytes between each sequential audio byte, at least one of the plurality of video bytes between each sequential audio byte, and wherein each set of data bytes has the same number of video bytes between sequential audio bytes as claimed.

Regarding the applicant's arguments at pages 6-9 of the amendment filed March 5, 2002 concerning in general that "... video codec 500 and audio codec 185 are not DSPs. Video codec 500 is motion compensated, interframe and intraframe coding system ... Video codec 500 is not a DSP. Similarly, audio codec 185 is not a DSP ... Kuzma fails to disclose or suggest multiple compression or decompression algorithms on all three digital signal processors, as recited by claim 19", the Examiner respectfully disagrees. As disclosed at column 4, lines 50-57, column 5, column 9, lines 7-35, analog video signals derived from camera 110 are presented to codec 500 for digital video compression. And in order for the video coder within the video codec 500 to perform such digital video compression involving motion compensation, interframe and interframe codings (see Figure 5), the video coder of Kuzma must inherently include a DSP for converting the analog video signals into digital video signals and for compressing the digital video signals into video bytes in order to carry out the digital video codings. Also, since Kuzma teaches the



Art Unit: 2613

particular decoding of the received video signal within the video codec 500 (see column 5, lines 6-27), a DSP is inherently included within the video decoder of the video codec for decompressing received digital video signals into analog video signals (i.e., as provided for video display 130, see column 5, lines 6-27). Further, a DSP must inherently be provided within audio codec 185 of Kuzma since the audio codec provides conversion of analog audio signals into digital audio signals, for compressing the digital audio signals into audio bytes, for decompressing received audio bytes into digital audio signals, and for converting the decompressed digital audio signals into analog audio signals (see column 5, lines 28-42).

Regarding the applicant's arguments at pages 8-9 of the amendment filed March 5, 2002 concerning in general that "... Peters fails to disclose or suggest a first digital processor (DSP), a second DSP, a third DSP and multiple compression and decompression algorithms on all three digital signal processors ... Rosstoker, et al, fails to disclose or suggest a first digital signal processor ...", the Examiner wants to point out that such arguments have been address in the above.

Regarding the applicant's arguments at pages 9-11 of the amendment filed March 5, 2002 concerning in general that an improper standard of obviousness has been applied, the Examiner respectfully disagrees for reasons above.

Art Unit: 2613

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. **Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Art Unit: 2613


**or faxed to:**

(703) 872-9314, (for formal communications; please mark "EXPEDITED  
PROCEDURE") (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (703) 308-6612. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m., with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group customer service whose telephone number is (703) 306-0377.

  
RICHARD LEE  
PRIMARY EXAMINER

Richard Lee/rl

5/10/02

